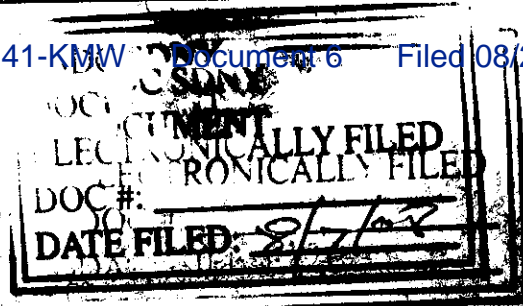


MANDATE



S.D.N.Y.-N.Y.C.  
07-cv-7141  
Wood, C.J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 30<sup>th</sup> day of July, two thousand eight,

Present:

Hon. Sonia Sotomayor,  
Hon. Robert A. Katzmann,  
Hon. Reena Raggi,  
*Circuit Judges.*

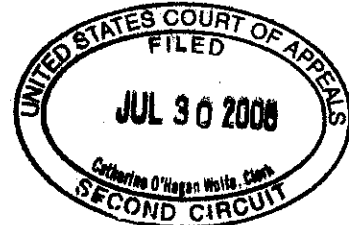
Nelson Aybar,

*Petitioner-Appellant,*

v.

United States of America,

*Respondent-Appellee.*



08-0791-pr



Appellant, *pro se*, moves for leave to proceed *in forma pauperis*. Upon due consideration, it is hereby ORDERED that the motion is DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. See *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e).

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

By: Lucille Carr

A TRUE COPY  
Catherine O'Hagan Wolfe, Clerk  
by Goldmine Phillip  
SAO-TPG DEPUTY CLERK

ISSUED AS MANDATE: